

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LMREC III NOTE HOLDER, INC

Plaintiff,

20-cv-05063 (KMK)(PED)

-against-

**PROPOSED ORDER
FOR PAYMENT OF FEES
TO RECEIVER AND TO
COUNSEL FOR RECEIVER
FOR DECEMBER 2022**

HUDSON EFT LLC, GUIDO SUBOTOVSKY,
SAMUEL GACCIONE, HUGO SUBOTOVSKY,
WILLIAM CLARKE, NOBLE ELEVATOR
COMPANY, INC., SHAWN'S LAWN, INC., VSP
MECHANICAL, INC., GEBERTH ELECTRIC, INC.,
GAC BUILDERS LTD., BRIDGE MECHANICAL
CORPORATION, UPPER RESTORATION, INC.,
AND JOHN DOE #1 THROUGH JOHN DOE #10,

Defendants.

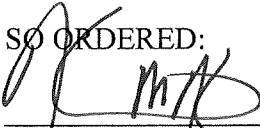
WHEREAS, pursuant to paragraph 4(y) of the Order Appointing Receiver dated August 21, 2020, Receiver Andrew L. Herz rendered services for the month of December 2022 in the amount of \$650.00 which payment was approved by Plaintiff in the attached writing dated December 30, 2022 (Ex. A); and

WHEREAS, pursuant to the Order Appointing Kim Berg as Counsel to Receiver dated September 9, 2020, Counsel to Receiver rendered services during the month of December 2022 in the amount of \$1,601.90 which payment was approved by Plaintiff in the attached writing dated December 30, 2022 (Ex. B); and

WHEREAS, Receiver and Counsel to Receiver now seek Court approval of the interim payments to Receiver and to Counsel as described herein.

IT IS THEREFORE ORDERED that the interim disbursements to Receiver Andrew L. Herz in the amount of \$650.00 and to Counsel for Receiver in the amount of \$1,601.90 are hereby approved.

SO ORDERED:



Kenneth M. Karas, U.S.D.J.

1/5/23

Exhibit A

Andrew L. Herz
Receiver Time
Dec. 02 - Dec. 30.22

| | | |
|--------------------|----------|---|
| 12.2 Friday | .60 | Conference with potential purchaser |
| 12.7 Wednesday | .40 | Telephone call with Mr. Mehring re foreclosure sale |
| 12.8 Thursday | .30 | Correspondence with Mr. Sobolof re break in |
| 12.10 Saturday | .10 | Correspondence with Mr. Sobolof |
| 12.12 Monday | 1.50 | Correspondence with Mr. Corke and Mr. Mehring; go to site; view 4 state street fire |
| 12.16 Friday | .30 | Review bill payment |
| 12.21 Wednesday | .40 | Conference with Ms. Camardella re vendor bills |
| 12.22 Thursday | .60 | Correspondence with Mr. Sobolof; Telephone call with Mr. Mehring |
| 12.26 Monday | .50 | Various emails |
| 12.30 Friday | .30 | Conference with Ms. Berg & Ms. Camardella |
| Total | \$650.00 | |

Re: Subject: 80 Main Street/ Receiver Time

From: Mehring, Luke (luke.mehring@lasalle.com)

To: gouldberglawinfo@yahoo.com

Cc: kberg@gouldberglaw.com; alherz@pbwt.com

Date: Friday, December 30, 2022 at 03:26 PM EST

I approve

Sent from my iPhone

On Dec 30, 2022, at 11:40 AM, Christine Camardella <gouldberglawinfo@yahoo.com> wrote:

Caution: Message from external sender

Hi

Please approve attached

Christine Camardella
Gould & Berg, LLP

222 Bloomingdale Road, Suite 304
White Plains, New York 10605
Phone: 914-397-1050
Fax: 914-397-1051
e-mail: gouldberglawinfo@yahoo.com

www.gouldberglaw.com

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Exhibit B



GOULD & BERG, LLP
attorneys at law

222 Bloomingdale Road
White Plains, New York 10605
(914) 397-1050
gouldberglawinfo@yahoo.com

Mr. Andrew Herz, Receiver
33 Cushman Road
White Plains, NY 10606

Statement Date: December 30, 2022

Statement No. 2

Account No. 5168.20

Page: 1

RE: Counsel to Receiver

Counsel to Receiver

INTERIM STATEMENT

| | | HOURS | |
|------------|--|-------|--------|
| 12/01/2022 | review Court Order re September fees/letter filed | 0.10 | 50.00 |
| | Prepare payment to Gould & Berg Sept. billing | 0.15 | 13.50 |
| 12/02/2022 | Email correspondence with Mr. Herz re crack monitoring | 0.30 | 27.00 |
| | Prepare payment to Adam Sobolof | 0.30 | 27.00 |
| 12/07/2022 | Review email, print correspondence | 0.10 | 9.00 |
| 12/09/2022 | Review email correspondence re Sobolof | 0.10 | 9.00 |
| 12/12/2022 | meet with client | 0.20 | 100.00 |
| | Review email, respond to Brittany re NorthMarq | | |
| | Prepare payment to NorthMarq Capital, Overnight mail | 0.20 | 18.00 |
| 12/14/2022 | draft Court Order for approval of November Receiver and Counsel Fees | 0.30 | 150.00 |
| | Review email, print correspondence | 0.10 | 9.00 |
| | Draft receiver time; email Mr. Mehring re receiver time approval | | |
| | Prepare payment to Verizon | 0.10 | 9.00 |
| | Gather documents for Exhibit Proposed Order for Fees | 0.30 | 27.00 |
| | File with the Court Proposed Order for Fees | 0.20 | 18.00 |

To ensure proper credit, please include account number and statement date on remittance checks. Thank you.

Counsel to Receiver

Counsel to Receiver

| | | HOURS | |
|------------|--|-------|-------------------|
| 12/16/2022 | Email correspondence with Mr. Mehring re account balance | 0.20 | 18.00 |
| | Review email correspondence re Scarduzio | 0.10 | 9.00 |
| | Prepare payment to Adam Sobolof | 0.20 | 18.00 |
| | Prepare payment to Gould & Berg and Mr. Herz re November 2022 | 0.20 | 18.00 |
| 12/19/2022 | Gather documents for October portion of Quarterly Report | 0.30 | 27.00 |
| 12/20/2022 | Print email correspondence | 0.10 | 9.00 |
| 12/21/2022 | Gather documents for November portion of Quarterly Report | 0.30 | 27.00 |
| | Conference with Mr. Herz | 0.40 | 36.00 |
| 12/29/2022 | Telephone call to Con Edison re bill adjustment acct no. 0001-8 | 0.50 | 45.00 |
| 12/30/2022 | meet with client re next steps in discharge of Receiver/final reports to Court | 0.20 | 100.00 |
| | review files regarding ongoing expenses, insurance, anticipated reports to be filed prior to closing;; draft email to counsel for the Plaintiff re steps to discharge and release Receiver | 0.30 | 150.00 |
| | draft proposed order for Receiver and counsel fees for December 2022 | 0.20 | 100.00 |
| | begin drafting quarterly report for Q4 of 2022 | 1.00 | 500.00 |
| | Conference with Mr. Herz | 0.10 | 9.00 |
| | Email Mr. Mehring re Receiver & Counsel time approval | 0.10 | 9.00 |
| | | 6.65 | 1,541.50 |
| 12/30/2022 | Postage | | 0.86 |
| 12/30/2022 | Federal Express - 5452 | | 24.34 |
| 12/30/2022 | Photocopies | | 35.20 |
| | TOTAL EXPENSES | | 60.40 |
| | TOTAL CURRENT WORK | | 1,601.90 |
| | BALANCE DUE | | <u>\$1,601.90</u> |

PLEASE INDICATE FILE NO. ON REMITTANCE - THANK YOU

Re: Subject: 80 Main Street / Counsel Fees

From: Mehring, Luke (luke.mehring@lasalle.com)
To: gouldberglawinfo@yahoo.com
Cc: kberg@gouldberglaw.com; alherz@pbwt.com
Date: Friday, December 30, 2022 at 03:26 PM EST

I approve. How much is in the account? My controller is back in the office from holiday break on Tuesday. Thx

Sent from my iPhone

On Dec 30, 2022, at 11:45 AM, Christine Camardella <gouldberglawinfo@yahoo.com> wrote:

Caution: Message from external sender

Please approve

Christine Camardella
Gould & Berg, LLP

222 Bloomingdale Road, Suite 304
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Phone: 914-397-1050
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